

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re: JOSEPH ELLISON and DEBORAH A. ELLISON, Debtors,	Bankruptcy No. 5:01-bk-02308-JJT Chapter 13 Related to Doc. No. 56
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RESPONSE OF DILKS & KNOPIK, LLC TO ORDER TO APPEAR AND SHOW CAUSE

AND NOW, comes Respondent, Dilks & Knopik, LLC, by and through its undersigned counsel, Bernstein-Burkley, P.C., and files this Response to Order to Appear and Show Cause, representing as follows:

The Parties

1. Respondent is a company based in Snoqualmie, WA that, among other things, locates the recipients of unclaimed funds in bankruptcies and files petition and motions for unclaimed funds on their behalves.

2. Brian Dilks (“Dilks”) is a Managing Member of Respondent.

3. Respondent, on behalf of creditor, Susan Klingel, incorrectly requested 50 percent of the \$9,831.26 listed as unclaimed funds owing to Susan Klingel and John P. Klingel.

Respondent’s request was based on the Divorce Decree between the Klingels. However, Respondent now believes that a more appropriate request would have been a 42% distribution of the unclaimed funds based on a statement in the Master’s Report related to the divorce that Susan Klingel agreed to receive 42% or less of the marital assets.

4. Respondent requests that this Honorable Court agree to enter the Order granting the Petition, but change the distribution in the Petition to \$4,129.13 (42%). Alternatively, Respondent requests that this Honorable Court allow attorney Peter J. Ashcroft to appear by

phone on behalf of Respondent at the Order to Appear and Show Cause hearing scheduled for June 23, 2016 at 9:30 a.m. to address the Court's questions regarding this matter. Mr. Ashcroft is admitted to practice in Pennsylvania bankruptcy courts and has filed Motions for Unclaimed Funds on behalf of Respondent in the United States Bankruptcy Court for the Western District of Pennsylvania. Respondent and Dilks make this request because they are located in Washington State.

WHEREFORE, Respondent, Dilks & Knopik, LLC, respectfully request that this Honorable Court cancel the hearing on the Order to Appear to Show Cause and enter an amended order granting the distribution of \$4,129.13 in unclaimed funds to Respondent on behalf of Susan Klingel. Alternatively, Respondent requests that this Honorable Court amend the Order to Appear and Show Cause to allow attorney Peter J. Ashcroft to appear by phone on behalf of Respondent at the Order to Appear and Show Cause hearing scheduled for June 23, 2016 at 9:30 a.m.

Respectfully submitted,

BERNSTEIN-BURKLEY, P.C.

By: /s/ Peter J. Ashcroft
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Dated: June 15, 2016